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12 Attorneys for Defendant
13 CATERPILLAR INC.

9 UNITED STATE DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 KENNETH ORNDORF,
13 Plaintiff,

14 v.

15 CATERPILLAR INC., a Delaware
16 Corporation and DOES 1 through 50,
17 inclusive,
18 Defendants.

Case No. 5:08-cv-01276-JW

19 **STIPULATION AND [PROPOSED]**
20 **ORDER SELECTING ADR PROCESS**

Judge: Hon. James Ware

21 Counsel report that they have met and conferred regarding ADR and have
22 reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

23 The parties agree to participate in the following ADR process:

24 **Court Processes:**

25 ___ Non-binding Arbitration (ADR L.R. 4)

26 ___ Early Neutral Evaluation (ENE) (ADR L.R. 5)

27 ___ Mediation (ADR L.R. 6)

28 *(Note: Parties who believe that an early settlement conference with a
Magistrate Judge is appreciably more likely to meet their needs than any other
form of ADR, must participate in an ADR phone conference and may not file this*

1 form. They must instead file a Notice of Need for ADR Phone Conference. See
2 Civil Local Rule 16-8 and L.R. 3-5)

3 **Private Process:**

4 X Private ADR (please identify process and provider): Private
5 mediation. The parties will work together to choose a mutually agreeable private
6 mediator.

7
8 The parties agree to hold the ADR session by:

9 the presumption deadline (*The deadline is 90 days from the date of*
10 *the order referring the case to an ADR process unless otherwise*
11 *ordered.*)

12 X other requested deadline: December 15, 2008
13

14 DATED: May 30, 2008

LAW OFFICES OF ROBERT D. PONCE

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17 By: 

Robert D. Ponce
Attorneys for Plaintiff
KENNETH ORNDORF

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21
22 DATED: May 30, 2008
23 6/2/08

SEDGWICK DETERT MORAN & ARNOLD LLP

24
25 By: 

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CATERPILLAR INC.

UNITED STATE DISTRICT COURT
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KENNETH ORNDORF,

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CATERPILLAR INC., a Delaware
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James Ware
**[PROPOSED] ORDER SELECTING
ADR PROCESS**

Judge: Hon. James Ware

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

☐ Non-binding Arbitration

☐ Early Neutral Evaluation (ENE)

☐ Mediation

☒ Private ADR

Deadline for ADR session

☐ 90 days from the date of this order.

☒ Other: December 15, 2008

IT IS SO ORDERED

DATED: June 2, 2008

James Ware
UNITED STATES DISTRICT

JUDGE